

HISTORIC PRESERVATION COMMISSION
Minutes

July 14, 2005
Salisbury, North Carolina

The Historic Preservation Commission for the city of Salisbury met in regular session on Thursday, July 14, 2005, in the Council Chambers at the City Hall, 217 S. Main St.

The meeting was called to order by the Vice-Chairman, Jeff Sowers. In addition to Mr. Sowers, the following members were present: Raemi Evans, Ronald Fleming, Nancy Hurt, Anne Lyles, Kathy Walters, and Wayne Whitman.

Absent: Mike Fuller and Michael Young

New Business

H-37-05 **202 N. Lee St.** – Rowan Corporation, owner; Glenda Phillips, applicant – Certificate of Appropriateness to install an awning over exterior break-room door, 4x6, Mediterranean Blue; as per submitted drawings - **POSTPONED**

H-38-05 **105 E. Fisher St.** – Watkins Agency, Inc. owner – Certificate of Appropriateness to install awning over door; Burgundy, to match awning at Benchwarmers

Albeiro Torres , the tenant and applicant, was sworn to give testimony for the request.

Staff presented slides.

Albeiro testified that he would like to install an awning over the doorway at Benchwarmers in the colors of Green and White.

In response to Kathy Walters, who noted that the application showed Burgundy as the color for the awning rather than the colors stated in his testimony, Albeiro stated that he had not decided yet between the two colors.

Kathy Walters noted that the application showed Burgundy as the color for the awning; however, the applicant stated Green and White. When questioned as to which color he preferred, Albeiro decided on Burgundy.

Jeff Sowers informed Albeiro that should the color choice change, approval could be made through the minor works committee.

In response to a question from Ronald Fleming, Albeiro testified that there were no plans at this time to put awnings over the windows.

There was no one present to speak in support or opposition to the request.

Ronald Fleming made the following motion: “I move that the Commission find the following facts concerning Application #H-38-05 – that Albeiro, representative for the Watkins Agency, Inc., owner of 105 E. Fisher St., appeared before the Commission and sought a Certificate of Appropriateness to install a Burgundy awning over the door at Good Fellas, that no one appeared before the Commission to support or oppose this request, this request should be granted based upon The Secretary of Interior Standards for Rehabilitation, and Chapter 4 Site Features and District Setting – Signage and Awnings – Awnings, pages 54-56, guidelines 1-5 of the Non-Residential Historic District Design Guidelines; there are no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-38-05 be granted to Albeiro, representative for the Watkins Agency, Inc., owner of 105 E. Fisher St. to make the changes detailed in the application.”

Wayne Whitman seconded the motion; all members present voted AYE.

H-39-05 503 E. Fisher St. – Thomas A. & Edith C. Sloan, owner – Certificate of Appropriateness for removal of a Maple tree that is posing a threat to the house and foundation; measures 27 ¼” in diameter

Thomas A. & Edith C. Sloan vowed to tell the truth regarding their request.

Staff presented slides.

Mrs. Sloan testified that the Maple tree needs to be removed because it is affecting the foundation of the house. From the slides she pointed out how close the tree is to the house and how the roots have projected to the surface of the ground.

Staff liaison, Wendy Spry, reported that Steve Martin, the city’s horticulturist, did inspect the tree and has stated that it could be hazardous. He suggested that if the tree is removed from the property another tree should be planted.

In response to a question from the Chair, Mrs. Sloan testified that because there are now other smaller trees growing on the line behind the Maple tree (which were shown on the slide) she did not know if another tree would be planted or not. She also pointed out a tree growing on the property line.

Kathy Walters stated that in her opinion the tree on the property line is too close to the adjacent house to remain because it would also begin to cause structural problems in the very near future. She suggested that a smaller tree be planted where the existing Maple is, or further away from the neighbor’s house.

Mrs. Sloan stated that they would prefer a flowering type tree but she would also like to take into consideration the wishes of the persons who live in the house. She said, “we are planning to beautify the yard.”

Jeff Sowers informed Mrs. Sloan that Lynn Raker, the city’s Landscape Architect, could work with them in selecting an appropriate tree.

There was no one present to speak in support or opposition to the request.

Kathy Walters made the following motion: “I move that the Commission find the following facts concerning Application #H-39-05 – that Thomas A. & Edith Cash Sloan, owners of 503 E. Fisher St., appeared before the Commission and sought a Certificate of Appropriateness to remove a 27 ¼” diameter Maple tree that is posing a threat to the house and foundation, that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 Site Features and District Setting – Landscaping, pages 60 & 61, guidelines 3 & 14 of the Residential Historic District Design Guidelines; therefore, I further move that a Certificate of Appropriateness for Application #H-39-05 be granted to Thomas A. & Edith Cash Sloan, owners of 503 E. Fisher St. to make the changes detailed in the application with the stipulation that they work with the city to eventually plant an appropriate replacement.”

Susan Hurt seconded the motion; all members present voted AYE.

H -40-05 305 E. Bank St. – M. Todd & Teresa Bess, owner –
Certificate of Appropriateness for temporary storage building: 10’x16’ Bunce building, all wood with shingles

Todd Bess was sworn to give testimony for the request.

Staff presented slides.

Mr. Bess testified that the proposed building is all wood siding and will not take away from the property at all. He presented a sketch to show exactly where the building would be located in the rear yard and presented a picture of the building.

In response to Kathy Walters who asked what the finish color of the building would be, Mr. Bess said, “that is the color; it is a golden brown /natural finish.” He further stated that he had received HPC approval for painting the exterior of his house which would be done in the fall.

Kathy Walters informed Mr. Bess that they would prefer the building be painted to match the house.

Mr. Bess agreed to paint the building in the colors matching the house, but noted also that the structure would not be very visible from the street.

There was no one present to speak in support or opposition to the request.

Susan Hurt made the motion as follows: “I move that the Commission find the following facts concerning Application #H-40-05 – that M. Todd Bess, owner of 305 E. Bank St. appeared before the Commission and sought a Certificate of Appropriateness to install a 10’x16’ wood Bunce temporary storage building with shingled roof; that no one appeared before the Commission to support or oppose this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation, and Chapter 2 Changes to Buildings – Garages and Outbuildings, pages 22-23, guidelines 7-10 of the Residential Historic District Design Guidelines; there were no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-40-05 be granted to M. Todd Bess, owner of 305 E. Bank St., to make the changes detailed in the application with the following changes agreed to by the applicant: that the building will be painted to match the new colors that were previously approved for the house.”

Anne Lyles seconded the motion; all members present voted AYE.

Committee Reports

Minor works

Kathy Walter commented that she was pleased to see the approval of gravel and fences at 808 N. Main St. She said Mr. Cabagnet should be commended for being sensitive to the neighbor’s problems with his tenants.

Other Business

Notes from Janet Gapen

E. Fisher St. Demolition: She reminded Commission members that a Certificate of Appropriateness was granted to the First Methodist Church for demolition of the buildings on E. Fisher St. on February 10th. DRAC has met with the church in an effort to communicate with them about the guidelines and how they might apply to any new construction plans which they might have for the site. Downtown Salisbury and other groups have also been working with them trying to dissuade the church from demolition. Janet informed Commission members that she was recently reminded by the city attorney that because of the ex parte’ rule the Commission could only participate in public meetings which have had an advance notice. She said since the plans at this point are still leaning toward demolition it would probably be a good idea for the committee, formed from the Commission before the Certificate of Appropriateness was granted, to meet. The committee will discuss appropriate alternatives for the Commission to work toward in reserving the buildings. Committee members are Anne Lyles, Jeff Sowers, Kathy Walters, and Wayne Whitman. When Nancy Hurt voiced her interest in being on the committee, Kathy Walters relinquished her seat for Ms. Hurt.

Janet stated that one of the Commission's goals for this fiscal year is to expand public education efforts, especially to the persons who are new and move into a district unaware of it. Also, to communicate public information in general

Kathy Walters suggested the possibility of notice being given to a person when application is made for water connection if the address is inside a local historic district. Janet informed the Commission the Customer Service Supervisor has already been provided with a list of all the addresses in each local district which would be flagged so that the necessary information could be given to the customer.

Janet reminded the Commission that the preservation commission training (CAMP) is on go for Saturday, the 9th.

Remarks from Jack Thomson, Historic Salisbury Foundation

RE: E. Fisher Street Demolition

Mr. Thomson encouraged the Commission to use the tools that preservationists in the state of North Carolina have put together to deter demolition. He said the 365-day delay is not the only tool. He named the following:

- Seek to negotiate with the owner and other interested parties to find a solution
- To make widely known the issue to the public

He informed the Commission that history shows that this would be the first major demolition within a 25-year period in downtown Salisbury. But, he continued, it will not be another 25 years before there is another request, so now is the time to "write the book."

Mr. Thomson said he was glad about the meeting that the church has scheduled a meeting on August 8th which will set up a means of open communication with the church and community. He said as advocates of the cause, all of the different groups and organizations, each should keep their own independence yet speak with one voice. This is important in order that the issue not become adversary. He said Salisbury should embrace the church and help them to see how they can fulfill their goals to grow without demolition. He ended by saying, "we want to be able to have a gain without loss for the city, for the preservationists, and for the church.

Anne Lyles commented that she thinks a bad message is sent when the Commission approves demolition. She asked if the motion, when made for a demolition, could state that the members of the Commission do not approve the demolition but recognize the applicant's right as a property owner.

Kathy Walters, noting the difference in the interpretation of the local guidelines and state guidelines, said the local guidelines states that "*during the delay the Commission **should** actively seek to negotiate and the Commission should also make it widely known; the state guidelines*, she said, the state statute uses the word "***shall***" *actively seek.....*

She said, “there is a very large difference between “should” and “shall.” She continued by saying that she thinks Salisbury should consider changing its guidelines to match the state’s guidelines on the issue of demolition.

Nancy Hurt stated that the way the outcome of the church’s request for demolition will not only set a precedence for the outcome but a precedence for the process of how demolitions are handled, and how motions are made, and how they get responded to.

Commission members were all in agreement that the issue should be made widely known to the public. Nancy Hurt stated that there are enough people who care about the buildings and do not want to see the buildings demolished that could fill the Council Chambers if a public hearing was held. She said, “we need to get the people who are publicly interested in it out in the public talking about it.”

Janet Gapen stated that the city attorney has said that the Commission could schedule a special meeting on the issue.

Kathy Walters reminded the Commission that at this point, “we are halfway to demolition because January 13th is the date.

Minutes

The minutes from the May meeting from approved as presented and the June minutes were approved with correction.

Adjournment

With no other business to come before the Commission, the meeting was adjourned.

Jeff Sowers, Vice-Chairman

Judy Jordan, Secretary